

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

UNITED STATES, *et al.*,

*Plaintiffs,*

v.

GOOGLE LLC,

*Defendant.*

No. 1:23-cv-00108-LMB-JFA

**GOOGLE LLC’S SECOND STATUS REPORT  
REGARDING DOCUMENT REVIEW AND PRODUCTION**

Pursuant to the Court’s order of September 15, 2023, ECF No. 440, Google LLC (“Google”) submits this report regarding the status of the review and production of documents impacted by the ingestion site issue (the “Impacted Documents”), *see* ECF No. 422.

Google currently understands that there are approximately 16.1 million Impacted Documents,<sup>1</sup> and as of the afternoon of September 22, 2023, Google’s outside ediscovery vendor had processed all but about 2,500 of them for deduplication. Of the Impacted Documents that have been processed, approximately 9.6 million are duplicates, leaving approximately 6.4 million non-duplicates to review (the “Review Population”).<sup>2</sup>

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<sup>1</sup> Google previously understood that there were nearly 16 million Impacted Documents. *See* Sheff Decl. ¶ 22, ECF No. 422-1. Some additional documents—which were being processed as part of the efforts to address the ingestion site issue—were mistakenly not added to that count (even though Google was already including them in its exports), and Google currently understands that there are approximately 16.1 million Impacted Documents.

<sup>2</sup> After the ingestion site issue was discovered, Google prioritized understanding and remediating that issue (including by prioritizing review and production of documents from the files of witnesses whose depositions had been noticed) over completing and cross-checking the production of documents that were not impacted by it. As a result, in addition to the Review

Over the past week, Google has continued to expand the team tasked with reviewing the Review Population to now include over 1000 contract attorneys who are working at the direction of outside counsel.<sup>3</sup> Google has retained five separate vendors in order to secure contract attorneys to address the Review Population on the timeline allotted. These contract attorneys are working 12 hours per day Monday through Saturday and at least 8 hours per day on Sunday. Google also directed its outside ediscovery vendor to create a second database to improve the speed of the review and production processes. This second database helps to reduce the latency (i.e., the amount of time it takes each document to be displayed to a reviewer) created by having so many reviewers working simultaneously in a single database and allows for productions to be made twice as often as would be possible from a single database.

As of September 22, 2023, there are approximately 3.7 million documents from the Review Population for which a responsiveness determination has not yet been made and approximately 200,000 documents that have been identified as still requiring closer privilege review (“Potentially Privileged Review Population”). Google anticipates that the Potentially Privileged Review Population will grow as review of the Review Population progresses.

Since September 8, 2023, Google has produced a total of 559,245 documents in the following tranches, including 273,546 documents in the last week:

- On September 14, 2023, Google produced 285,699 documents.
- On September 16, 2023, Google produced 57,853 documents.

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Population, there remain additional documents that would have been produced by September 8, 2023 if not for Google’s diversion of resources to address the ingestion site issue and that still need to be produced. Google is working toward producing those documents, along with the responsive and non-privileged documents in the Review Population, by October 6.

<sup>3</sup> The review team has greatly expanded in size from roughly 200-300 contract attorneys in spring and early summer 2023 to over 400 by mid-August, over 700 by mid-September, and over 1000 today.

- On September 20, 2023, Google produced 153,824 documents.
- On September 21, 2023, Google produced 61,869 documents.

Google is going to extraordinary lengths to complete document production by October 6, 2023, and it will continue to explore every avenue to meet that deadline. One factor complicating that work is the size of the Review Population and the Potentially Privileged Review Population. It is not possible for Google's five current vendors to supply additional reviewers or for Google to bring on additional reviewers from other vendors fast enough to materially improve the pace of review before October 6.<sup>4</sup> Another factor is the machine time required to prepare documents for production after the review is complete. The largely automated processes to prepare productions can take significant time, with some past productions taking a week to complete.<sup>5</sup> In spite of these difficulties, Google and its outside counsel are evaluating all technical and staffing solutions for completing document production by the October 6 deadline, or as soon thereafter as possible.

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<sup>4</sup> In addition, adding more reviewers could slow down the process by increasing latency in the review databases.

<sup>5</sup> Plaintiffs face similar technological challenges in loading the productions after they are completed. *See* Tr. of Sept. 15, 2023 Hrg. at 77:15-19 ("I just wanted the Court to be aware that from the moment the document leaves Google and comes to us, the technological process with productions of this size are that it can be up to a week for it to get loaded on our system and reviewed.").

Dated: September 22, 2023

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